

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ROBERT M. GERBER, *et al.*,

Plaintiffs,

v.

ROBERT S. BOWDITCH, JR., *et al.*,

Defendants.

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CIVIL ACTION NO: 05-10782-DPW

**PLAINTIFFS' ASSENTED-TO MOTION
TO EXCEED PAGE LIMIT**

Plaintiffs Robert M. Gerber, as Trustee of the Rosalie Gerber Trust, William J. and Jayne Gilligan, husband and wife, Sanford R. and Beth L. Hoffman, husband and wife, and James D. Burns (collectively, "Plaintiffs"), by and through their undersigned counsel, hereby move pursuant to Local Rule 7.1 (B)(4) for leave to file a Memorandum of Law in opposition to the Motion to Dismiss Second Amended Complaint filed by Defendants Robert S. Bowditch, Jr., Gerald Slavet, Steven Rioff, and BSR Associates (collectively, "Defendants") that exceeds twenty pages. Plaintiffs' Memorandum of Law is thirty-two pages in length. Defendants' counsel has assented to this motion.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs leave to file this accompanying memorandum of law in opposition to Defendants' motion to dismiss.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that my co-counsel, Paul McDonald, has conferred with Donald J. Savery, counsel for the Defendants, who assented to the requested relief.

Dated: October 31, 2005

/s/ John J. O'Connor
John J. O'Connor
Respectfully submitted,

/s/ Paul McDonald
Paul McDonald
(*Pro Hac Vice* Granted)
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/s/ John J. O'Connor
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I John J. O'Connor, hereby certify that on this 31st day of October, 2005, I served the foregoing document by causing a true copy of the same to be delivered by electronic mail and federal express to counsel for the Defendants.

/s/ John J. O'Connor
John J. O'Connor

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